

**Fitch, Even, Tabin & Flannery***Intellectual Property Law***RECEIVED**  
**CENTRAL FAX CENTER**  
**JUL 05 2005****F A C S I M I L E**

**Name:** **Examiner: Alissa L. Hoey**  
**Art Unit: 3765**

**Company:** **United States Patent and Trademark Office**

**Fax Number:** **1-703-872-9306**

**From:** **Julie A. Hopper; Reg. No. 50,869 / C. M. McClure**

**Today's Date:** **Tuesday, July 05, 2005**

**File No.:** **81687/7734**

**Pages:** **Nineteen (19)** (including this cover sheet)

Attached please find the following documents in connection with U.S. Application No. 10/772,766, filed February 4, 2004.

- Transmittal Form (1 sheet);
- Amendment and Response (17 pages);

The documents accompanying this facsimile transmittal cover sheet contain information from the law firm of Fitch, Even, Tabin & Flannery which may be confidential and/or legally privileged. The documents are intended only for the personal and confidential use of the addressee identified above. If you are not the intended recipient or an agent responsible for delivering these documents to the intended recipient, you are hereby notified that any review, disclosure, copying, distribution or the taking of any action in reliance on the contents of this transmitted information is strictly prohibited. If you have received this facsimile in error, please immediately notify the Firm so that we can arrange for the return of the original documents to us. Thank you.

9276 Scranton Road, Suite 250  
San Diego, California 92121-7701  
Telephone 858-552-1311  
Fax 858-552-0095

81192

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

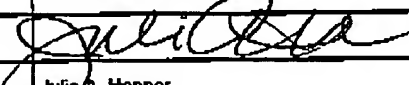
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/772,766	
	Filing Date	February 4, 2004	
	First Named Inventor	Joaquin ROMAY	
	Art Unit	3765	
	Examiner Name	Atsasa L. Hoey	
Total Number of Pages in This Submission	19	Attorney Docket Number	61637/7734


ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Fitch, Even, Tabin & Flannery		
Signature			
Printed name	Julie A. Hopper		
Date	July 5, 2005	Reg. No.	50,869

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Julie A. Hopper	Date	5 July 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED**  
**CENTRAL FAX CENTER**  
**JUL 05 2005**

003

Docket No. 81687/7734

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/772,766  
Applicant(s): Joaquin Romy  
Filed: February 4, 2004  
Title: TOE SOCK  
Examiner: Hoey, Alissa L.  
Art Unit: 3765

CERTIFICATE OF FACSIMILE  
TRANSMISSION

I hereby certify that this  
correspondence is being  
facsimile transmitted to the  
United States Patent and  
Trademark Office, Fax No.  
703-872-9306, on this date.

7/5/05   
Date Julie A. Hopper

**AMENDMENT UNDER 37 C.F.R. § 1.111**  
**IN RESPONSE TO OFFICE ACTION MAILED APRIL 5, 2005**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed April 5, 2005,  
Applicants provide the following remarks: